

65 (ML)
03.01.2023
Ct. No.10
b.das

WPA 5640 of 2022

Smt. Pratima Chatterjee
Vs.
The State of W. B. & Ors.

Mr. Bharat Ch. Simai ...for the petitioner.

Mr. R. N. Dutta
Mr. Suprabhat Bhattacharya ...for the State.

Mr. S. K. Das
Ms. Rupsa Sreemani
Ms. A. Giri
...for the respondent Nos.10,12,13,14,17,18 & 20.

Affidavit of service and supplementary affidavit filed
by the petitioner are taken on record.

On prayer of the petitioner, liberty is granted to the
petitioner to delete the name of the 19th respondent (Ashok
Barik) from the cause title of the writ petition.

Heard learned counsels for the parties.

The petitioner complains of unauthorised
construction raised by the private respondents by
encroaching upon a portion of the PWD road adjoining his
property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this
regard before the concerned authority on 10th March, 2022,
which is yet to be disposed of. The petitioner prays for
direction upon the authority to consider the representation
at the earliest.

It appears from the supplementary affidavit submitted on behalf of the petitioner that pursuant to the representation submitted by the petitioner a notice for demarcation of the plot in question has been issued by the Assistant Engineer, Contai Highway Sub-Division, PW (Roads) Directorate to all concerned on 17th August, 2022.

Since steps have been initiated by the concerned authority in terms of the application submitted by the petitioner under Section 10 of the West Bengal Highways Act, 1964, the authority be directed to take the proceeding to its logical conclusion in accordance with law within a stipulated time frame.

It is submitted on behalf of the State respondents that the 4th respondent may be directed to deal with the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to take the proceedings under Section 10 of the Act of 1964 to its logical conclusion within three months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

With the above observations and directions, the writ petition being WPA 5640 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)